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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,013

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Frank Muller

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EXAMINER

ARK, DARREN W

ART UNIT

PAPER NUMBER

3643

MAIL DATE

DELIVERY MODE

10/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,013

Applicant(s)

MULLER ET AL.

Examiner

Darren W. Ark

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3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-55 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-53, drawn to an animal trap/a trap system.

Group II, claim(s) 54, drawn to a method of electrocuting an animal.

Group III, claim(s) 55, drawn to a method where an electrocuting animal trap comprises a water-level detector.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the trap/trap system of Group I as claimed can be used to eliminate pest animals without means for tabulating the number of electrocutions or in a non-aqueous environment (on dry land vs. sewer system); the method of Group II as claimed can be practiced with another entirely different apparatus such as electrical wires strung across an area to be treated for pests and do not require the sequentially arranged electrodes along a bottom of the trap; and the method of Group III as claimed can be practiced with any electrocuting trap in order to avoid shorting any of the electrical circuits in a wet environment.

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species I - Fig. 1A;

Species II - Fig. 1B;

Species III - Fig. 3A;

Species IV - Figs. 3B & 3C;

Species V - Fig. 4;

Species VI - Fig. 5;

Species VII - means for detecting presence of animal with a lever arm;

Species VIII - a mount placed in front of the entrance;

Species IX - power adapted compatible with an input voltage with an AC amplitude;

Species X - battery charger; and

Species XI - means for receiving command signal for trap equipped with size adjustable entrance opening.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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4. The claims are deemed to correspond to the species listed above in the following manner:

Species I - claims 1-4, 12, 13, 16-24, 36-38, 42-50, 53 OR 54;

Species II - claims 1, 2, 4, 12-14, 16, 17, 19, 20, 23, 36-38, 42-50, 53 OR 54;

Species III - claims 1, 2, 4, 12, 13, 15-17, 19, 20, 23, 36-38, 42-50, 53 OR 54;

Species IV - claims 1, 2, 4, 12, 13, 16, 17, 19, 20, 23, 36-38, 42-50, 53 OR 54;

Species V - claims 1, 2, 4, 10-13, 16, 17, 19, 20, 23, 27, 28, 36-38, 42-50, 53 OR 54;

Species VI - claims 1, 2, 4-9, 12, 13, 16, 17, 19, 20, 23, 27, 28, 36-53 OR 54 OR 55;

Species VII - claims 1, 2, 4, 12, 13, 16, 17, 19, 20, 23, 25, 26, 36-38, 42-50, 53 OR 54;

Species VIII - claims 1, 2, 4, 12, 13, 16, 17, 19, 20, 23, 29-32, 36-38, 42-50, 53 OR 54;

Species IX - claims 1, 2, 4, 12, 13, 16, 17, 19, 20, 23, 33, 34, 36-38, 42-50, 53 OR 54;

Species X - claims 1, 2, 4, 12, 13, 16, 17, 19, 20, 23, 35-38, 42-50, 53 OR 54; and

Species XI - claims 1, 2, 4, 12, 13, 16, 17, 19, 20, 23, 36-38, 42-50, 53 OR 54.

The following claim(s) are generic: claims 1, 2, 4, 12, 13, 16, 17, 19, 20, 23, 36-38, 42-50, and 53 (for Group I) OR 54 (for Group II).

5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Species I requires a set of three electrodes 5-7 which are placed between the entrance and the section where the bait 8, 9, 16 are placed, battery 10 on top of the trap, electronic circuits 11 on top of the trap, antenna 15, opening and closing of the trap door 4 actuated by a small motor 12 adapted to unroll and roll up a string in order to open and close the trapdoor not required in Species II-XI; Species II requires the bait reservoir 9 and the small bowl 8 positioned in the central region of the trap, battery 10 on top of the trap, opening and closing of the trap door 4 actuated by a small motor 12 adapted to unroll and roll up a string in order to open and close the trapdoor, the presence of an animal detected using an infrared sensor 100, and only two electrodes 101, 102 not required in Species I or III-XI; Species III requires actuation of the trapdoor being an electromagnetic switch 30 adapted to open upon a signal from the circuit 11, the trapdoor opens by pivoting around a pivot tap 31, and closes after release of the animal due to counter weights in the form of threaded bolt 33 and nut 32 not required in Species I, II, or IV-XI; Species IV requires a solenoid 202 being used to open and close the trapdoor which is fixed to the trap using fixation means 200 and 201, rod 203 pulled into the solenoid when solenoid is activated, which through mechanical coupling to the trapdoor, opens the trap door not required in Species I-III or V-XI; Species V requires a ramp 21 and the trap being placed on top of a receptacle 22 not required in Species I-IV or VI-XI; Species VI requires a ramp 21 and length adjustable legs 23 not required in Species I-V, VII-XI; Species VII requires a means for detecting the presence of an animal by equipping the trap with a lever not required in Species I-VI or VIII-XI; Species VIII requires a mount placed in front of the entrance of the trap not required in Species I-VII or IX-XI; Species IX requires a power adapted compatible with an input voltage with an AC amplitude not required in

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Species I-XIII, X, or XI; Species X requires a battery charger not required in Species I-IX or XI; and Species XI requires means for receiving command signal for trap equipped with size adjustable entrance opening.

6. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

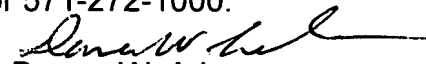
7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-F, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Darren W. Ark
Primary Examiner
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DWA